

REMARKS

A. Background

Claims 1-44 were pending in the application at the time of the Office Action. The Office Action rejected claims 1-34, 36, 37, and 44 under 35 USC § 112, second paragraph, as being indefinite. Claim 44 was objected to as being substantially duplicate of claim 34. Claims 1-6 and 9-12 were rejected as being anticipated or obvious over cited prior art. Claims 7, 8, and 13-43 were either allowed or would be allowed if the indefiniteness rejections were addressed. By this response applicant has amended claims 1, 10, 15, 24, 36, 37, and 44; cancelled claims 7 and 8; and added new claims 45-56. As such, claims 1-6 and 9-56 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Claim Amendments

Claims 1, 10, 15, 24, 36, 37 and 44 have been amended to address the indefiniteness rejections and the double patenting rejection. New claims 45-56 are supported by the application as originally filed. In view of the foregoing, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Rejection on the Merits

Pages 2-4 of the Office Action rejected claims 1-34, 36, 37, and 44 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action specifically rejected language in claims 1, 10, 15, 16, 24, 36, and 37 that was considered indefinite. By this response applicant has amended claims 1, 10, 15, 24, 36, and 37 so as to address the indefinite language.

Where appropriate, application has incorporate the language proposed in the Office Action. With regard to claim 37, applicant notes that it is not claiming how the fluid is specifically removed from the vessel, but rather an orientation of a portion of the extraction tubes.

In view of the foregoing, applicant respectfully requests that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

Pages 4 and 5 of the Office Action rejected claim 44 under 37 CFR 1.75 as being substantially duplicate of claim 34. By this response applicant has amended claim 44 to depend from claim 35 as opposed to claim 34. As such, applicant respectfully requests that the rejection be withdrawn.

Pages 5-7 of the Office Action rejected claims 1-5 and 9-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,431,540 to Budzich and rejected claim 6 under 35 U.S.C. § 103(a) as being obvious over the Budzich patent. Page 7 of the Office Action also states that claims 7, 8, and 13-43 were either allowed or would be allowed if the indefiniteness rejections were addressed.

By this response applicant has amended claim 1 to incorporate the limitations of claim 7. As such, applicant submits that claim 1 is allowable over the cited prior art for at least the same reasons that claim 7 was considered allowable in the Office Action.

Claims 2-6, 9-14, and new claims 45-49 depend from claim 1 and thus incorporate the limitations thereof. As such, applicant submits that claims 2-6, 9-14, and 45-49 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claim 1.

Similarly, new independent claim 50 is the combination of original claims 1 and 8. As such, applicant submits that new claim 50 is allowable over the cited prior art for at least the same reasons that claim 8 was considered allowable in the Office Action.

New claims 51-56 depend from claim 50 and thus incorporate the limitations thereof. As such, applicant submits that claims 51-56 are distinguished over the cited prior art for at least the same reasons as discussed above with regard to claim 50.

As mentioned above, the remaining claims were either allowed or would be allowed if the indefiniteness rejections were addressed. As such, no other objections or rejections are set forth in the Office Action.

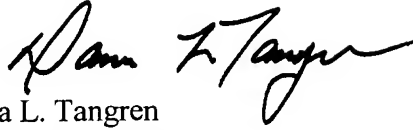
D. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited prior art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited prior art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-6 and 9-56 as amended and presented herein. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 8 day of September 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dana L. Tangren", with a stylized, flowing script.

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